

Docket No.: 3072003/3DP-0558
Application No.: 10/089,167
Office Action Dated: July 28, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Claims 1 to 6 and 8 to 11 are pending in the application and stand finally rejected as follows:

- Claims 1 to 6 and 6 to 11 are rejected under 35 U.S.C. § 112, first paragraph;
- Claims 1, 3, 4, and 11 are rejected under 35 U.S.C. § 103(a).

Applicants acknowledge the withdrawal of the previous rejections of:

- Claim 3 under 35 U.S.C. § 112, first paragraph;
- Claims 1 to 6, 8, and 9 under 35 U.S.C. § 112, second paragraph; and
- Claims 8 and 9 under 35 U.S.C. § 101.

Applicants are herein canceling claims 1 and 11 and amending claims 2 to 6, and 8.

Amendments

Applicants are herein canceling claims 1 and 11, without prejudice or disclaimer. Applicants are herein amending claim 2 to make it independent and amending claims 3 to 6 and 8 to have them depend from independent claim 2 rather than cancelled claim 1. Applicants respectfully submit that no new matter is introduced by the amendments to claims 2 to 6, and 8.

Applicants request entry of the amendment under 37 C.F.R. § 1.116(b) because the amendments to the claims either cancel claims or comply with requirements of form expressly set forth in the Office Action.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1 to 6 and 8 to 11 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly introducing new matter by amending R² and R³ of claim 1 to specify that either may be a linking moiety to a solid support. While applicants believe that the passage on page 10, line 26 to page 11, line 22 supports such an amendment implicitly and explicitly (while not verbatim), applicants are herein canceling claim 1 to expedite prosecution of the application. Applicants respectfully submit that claims 2 to 6 and 8 to 10, as amended, meet the written

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description requirement. Accordingly, applicants request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Rejection under U.S.C. § 103(a)

Claims 1, 3, 4, and 11 are finally rejected under 35 U.S.C. § 103 as allegedly obvious over US-A-5,783,577 or WO 98/11438 ("*Houghten*"). While applicants do not concede that *Houghten* renders the subject matter of claims 1, 3, 4, and 11 obvious, applicants are canceling claims 1 and 11, and amending claims 3 and 4 to have them depend from independent claim 2 (which is free of *Houghten*) in order to expedite prosecution of the application. Accordingly, applicants respectfully request withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) over US-A-5,783,577 or WO 98/11438 ("*Houghten*").


Conclusions

Applicants respectfully request:

- entry of the amendments to claims;
- reconsideration and withdrawal of the rejection of the claims; and
- allowance of claims 2 to 6 and 8 to 10.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (215) 557-3861.

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